

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2379 – HB 2590

March 28, 2018

SUMMARY OF ORIGINAL BILL: Prohibits an appointing authority from laying off or furloughing employees or reducing hours of employment for the reasons of efficiency or other material change in duties or organization.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016071): Deletes all language after the enacting clause. Authorizes a state employee to use sick leave and annual leave for maternity or paternity leave for a period not to exceed the state employee's accumulated sick leave and annual leave balance, or 12 weeks, whichever is less. Establishes that this authorization applies to adoptive parents as well, if the child is one year old or less.

Defines "state employee" as any person who is a state official, including members of the General Assembly, the Attorney General and Reporter, the District Attorney General, state judges, district public defenders, educators, any person who is employed in the service of and whose compensation is payable by the state, any person who is employed by the state whose compensation is paid in whole or in part from federal or other funds, any person who is employed in the service of and whose compensation is payable by a public institution of higher education, or any person who is employed by a public institution of higher education whose compensation is paid in whole or in part from federal or other funds.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Under current law, pursuant to Tenn. Code Ann. § 8-50-802(a)(4), sick leave may be used for maternity or paternity leave for a period not to exceed the employee's accumulated sick leave balance or 30 working days, whichever is less.

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- However, the Department of Human Resources' (DHR) policies authorize female state employees to use a combination of sick, annual, or special leave without pay for a period not to exceed four months following the birth of a child.
- Based on information provided by the DHR, it is estimated that extending the amount of leave that male state employees could use for paternity will not result in a significant increase in state, federal, or local expenditures. Further, the proposed legislation will not significantly impact the amount of leave taken by female state employees.
- The proposed legislation also applies to adoptive parents, if the child is one year old or less.
- Pursuant to Tenn. Code Ann. § 8-50-802, adoptive parents may use sick leave for a period of 30 days if the child is one year old or less. Additional special leave may be granted at the discretion of the appointing authority not to exceed one year. These provisions do not apply in the case of stepchild or adult adoption.
- Based on information provided by the DHR, it is estimated that the proposed legislation will not significantly impact the amount of adoptive leave that will be taken by state employees currently subject to the provisions of Tenn. Code Ann. § 8-50-802.
- However, the proposed legislation also establishes that these provisions will also apply to educators, which is currently not the case.
- Currently, pursuant to Tenn. Code Ann. § 49-5-710(a)(2), upon verification by a written statement from an adoption agency or other entity handling an adoption, a teacher is allowed to use up to 30 days of accumulated sick leave for adoption of a child.
- According to the Department of Education (DOE), any interim teacher that will be in a classroom for more than 20 days must be licensed, so increasing the amount of time that adoptive parents may take will increase the amount local education agencies (LEA) must pay such teachers.
- However, based on information provided by the U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, it is estimated that there are approximately 60 adoptions of children that are one year old or less statewide in any given year.
- Based on information published by the DOE, there are approximately 67,150 teachers in the state.
- According to the United States Census Bureau, Tennessee's population as of July 1, 2016 was 6,651,194, of which 77.4 percent were people 18 years of age or older.
- Assuming that all teachers are at least 18 years of age, the number of adoptions of children that are one year or less per teacher is estimated to be 0.47 per year $\{[(60 / 6,651,194) \times 67,150] \times 77.4\}$.
- Therefore, the proposed legislation is estimated to not result in a significant increase in LEA expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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